

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

WILMINGTON SAVINGS FUNDS \$  
SOCIETY, FSB, D/B/A CHRISTIANA \$  
TRUST, NOT IN ITS INDIVIDUAL \$  
CAPACITY, BUT SOLELY AS TRUSTEE \$  
FOR RMAC TRUST, SERIES 2015-5T, \$

**Plaintiff,**

**V.**

**TOM OWENS and JANET OWENS,**

## Defendants.

**Civil Action No. 6:18-cv-235**

## **PLAINTIFF'S MOTION FOR ATTORNEYS' FEES**

Plaintiff Wilmington Savings Funds Society, FSB, d/b/a Christiana Trust, not in its Individual Capacity, but Solely as Trustee for RMAC Trust, Series 2015-5T (“Plaintiff” or “Wilmington”) files this *Motion for Attorneys’ Fees*, and respectfully shows the Court:

1. Plaintiff filed its *Original Complaint* on August 9, 2018 (the “Complaint”). (ECF Document No. 1.) Summons was issued as to Defendant on August 21, 2018. (ECF Document No. 4.).

2. On December 4, 2018, the Court clerk called the office of Plaintiff's counsel asking counsel to file a Motion for Attorneys' fees. Pursuant to this request, Plaintiff files this *Motion for Attorneys' Fees*.

3. Plaintiff incurred \$5,329.50 in reasonable and necessary attorneys' in filing and prosecuting Plaintiff's claims to enforce its interest in certain real property as a result of the default of under the loan agreement between the parties. *See* Exhibit A, Declaration of Mark D. Cronenwett. A true and correct copy of the detailed billing statements showing the attorneys'

fees by name, date, and amount is attached hereto as Exhibit A-2. Accordingly, in this Motion, Plaintiff requests an award of attorneys' fees in the amount of \$5,329.50 that it has incurred in this case.

4. Plaintiff is entitled to attorneys' fees pursuant to Texas Civil Practice and Remedies Code section 38.001 because this suit is to enforce a written contract through foreclosure. *See* TEX. CIV. P. REM. CODE § 38.001(8). Furthermore, the parties' contract provides for recovery of reasonable attorneys' fees incurred in pursuit of foreclosure. (*See* ECF Doc. No. 1 at Exh. E ¶ 22.)

#### **PRAYER**

For these reasons, Plaintiff Wilmington Savings Funds Society, FSB, d/b/a Christiana Trust, not in its Individual Capacity, but Solely as Trustee for RMAC Trust, Series 2015-5T respectfully requests that the Court award it its attorneys' fees in the total amount of \$5,329.50, to be recovered from as a further obligation owed by them under the Note and Security Instrument. Plaintiff also prays for all relief, whether at law or in equity, to which it is justly entitled.

Respectfully submitted,

By: /s/ Gordon W. Green  
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*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

The undersigned certifies that on the 5th day of December, 2018 a true and correct copy of the foregoing document was delivered to the following parties in the manner described below:

**Via CMRRR # 9314 7699 0430 0053 6341 05**  
**And Regular U.S. Mail**

Tom Owens  
117 Cleveland St.  
McGregor, Texas 76657

/s/ Gordon W. Green  
**GORDON W. GREEN**